

218303US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ICHIRO YOKOZEKI ET AL

SERIAL NO: 10/052,260

FILED: JANUARY 23, 2002

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GROUP: 3742

:

EXAMINER: LEUNG, P.

FOR: INDUCTION HEATING ROLLER DEVICE,  
HEATING ROLLER FOR INDUCTION...

# 6  
NJB 9-5-03

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

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TECHNOLOGY CENTER R3700

SIR:

In response to the Election Requirement dated August 4, 2003, Applicants provisionally elect the species of Figure 9 for further examination on the merits, and identify Claims 1-5, 17 and 19 as corresponding to the elected species. The present election is made with traverse, and Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

The Election Requirement asserts that the application contains claims to patentably distinct species. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application state in different combinations a number of features which would have to be searched in only a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants

respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain **ELEVEN** separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-20 be conducted.

Respectfully submitted,

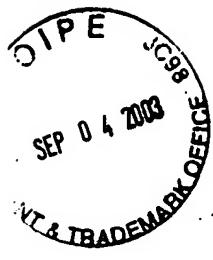
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Docket No.: 218303US2

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COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/052,260

Applicants: Ichiro YOKOZEKI, et al.

Filing Date: January 23, 2002

For: INDUCTION HEATING ROLLER DEVICE,  
HEATING ROLLER FOR INDUCTION HEATING  
ROLLER DEVICE, FIXING APPARATUS AND  
IMAGE FORMING APPARATUS

Group Art Unit: 3742

Examiner: LEUNG, P.

SIR:

Attached hereto for filing are the following papers:

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Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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